UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

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MEMBERS OF THE BEEDE SITE GROUP,   :
                                     :
        Plaintiffs,   :
                                     :
    v.   :   C.A. No. 09-370 S
                                     :
FEDERAL HOME LOAN MORTGAGE CORP.,   :
et alia,   :
                                     :
        Defendants.   :
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In re: Third Addendum to Plaintiffs' Motion to Dismiss Certain
          Defendants.

ORDER

Plaintiffs, Members of the Beede Site Group, seek the Court's

approval to dismiss five Defendants, pursuant to Fed. R. Civ. P.

41(a). The Defendants include: James J. Shuel d/b/a Jim's Auto

Service; Anjo Services, Inc. d/b/a Spark's Auto; Key Container

Corp.; Combined Auto Services, Inc.; and Kenneth L. Durling d/b/a

Ken Durling Automotive. These Defendants have entered appearances

in the above-captioned lawsuit, but have since arrived at

negotiated settlements with Plaintiffs. Certain other non-settling

Defendants object to their dismissal from the lawsuit.

Nonetheless, because the Court determines that the dismissal of the

settling Defendants will impose no legal prejudice on the remaining

Defendants, the Court hereby grants Plaintiffs' motion. The

Court's reasoning is set forth at greater length in an earlier

Memorandum and Order, entered on January 3, 2011.[1] Consequently, the following five Defendants are dismissed from this lawsuit, according to the conditions requested by Plaintiffs, as follows:

- James J. Shuel d/b/a Jim's Auto Service – with prejudice and without costs;

- Anjo Services, Inc. d/b/a Spark's Auto – with prejudice and without costs;

- Key Container Corp. – with prejudice and without costs;

- Combined Auto Services, Inc. – without prejudice and without costs; and

- Kenneth L. Durling d/b/a Ken Durling Automotive – without prejudice and without costs.

In addition, the Court denies Plaintiffs' request to assess costs and attorneys' fees against the objecting Defendants. No judgment shall enter at this time.

It is so ordered.

/s/ *William E. Smith*
William E. Smith
United States District Judge
Date: January 31, 2011

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[1] ECF docket number 485.